

Section 1465 of the Senate bill authorizes \$450 million in discretionary funds for Fiscal Years 2008 through 2011 to fund the installation of in-line EDS at U.S. airports at a level approximate to the TSA's strategic plan for the deployment of such systems. It also requires the submission of an overdue cost-sharing study on in-line EDS installation within 30 days of enactment.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It authorizes funding through Fiscal Year 2028. It further requires the submission of a cost sharing study and an analysis of the study by the DHS Secretary within 60 days of enactment of the legislation.

Section 1604. In-Line Baggage System Deployment

There is no comparable House provision.

Section 1466 of the Senate bill mandates, through Fiscal Year 2028, the annual dedication of \$250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. The provision also bolsters the existing Letter of Intent (LOI) program, through changes in funding allocation requirements and requiring the creation of a prioritization schedule for planned projects.

The Conference substitute adopts the Senate provision, as modified to require annual dedication, through Fiscal Year 2028, of \$250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. Four-fifths of the annual allotment—not less than \$200 million—must be committed to the completion of LOIs, while the remaining funds may be distributed in a discretionary manner to fund such projects, in a priority manner, at small and non-hub airports. It also promotes leveraged funding for such projects, and to permit airports that have incurred eligible costs to improve baggage screening at their facilities to pursue reimbursement of such costs from TSA.

The Conference strongly believes that this program should be managed as outlined in the legislation and that TSA and the Administration must have a 20-year horizon for the LOIs, rather than a limited short-term view which would have detrimental effects on the ability of airports to obtain requisite funding from the financial bond markets. The Conference believes that airports may not renegotiate previously agreed-upon Government contributions, through LOIs, or any other applicable arrangement, for in-line EDS systems.

Section 1605. Strategic Plan to Test and Implement Advanced Passenger Prescreening System

Section 409 of the House bill requires the Department, within 90 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explain the integration with international flights; and provide a projected timeline for testing and implementation its advanced passenger prescreening system.

Section 1472 of the Senate bill requires the Department, within 180 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explains the integration with international flights; and provides a projected timeline for testing and implementation its advanced passenger prescreening system. In addition, the provision requires that a report by the GAO be issued to Congress within 90 days of enactment. This report must describe

progress made in implementing Secure Flight; the effectiveness of the appeals process; integration with the international flight pre-screening program operated by Customs and Border Protection (CBP); and other relevant observations.

The Conference substitute adopts the House and Senate provisions, as modified. The provision would require the Department, in consultation with TSA, to submit a strategic plan to Congress, within 120 days of enactment of the legislation, that includes timelines for testing and implementation of its advanced passenger prescreening system. In addition, a GAO report must be issued to Congress within 180 days to review, *inter alia*, the implementation of Secure Flight by the Department; the effectiveness of the appeals process; integration with the international flight pre-screening program operated by the CBP.

Section 1606. Appeal and Redress Process for Passengers Wrongly Delayed or Prohibited from Boarding a Flight

Section 407 of the House bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the “No-Fly” or “Selectee” watch lists. The Office of Appeals and Redress must establish a presence at each airport to begin the appeals process for those passengers wrongly identified against watch lists.

Section 1471 of the Senate bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the “No-Fly” or “Selectee” watch lists.

The Conference substitute combines the House and Senate provisions, as modified. It creates the Office in DHS to ensure an adequate appeal and redress process in place for passenger wrongly identified against watch lists, and to increase privacy protections for individuals. The provision requires Federal employees within DHS handling personally identifiable information (PII) of passengers to complete mandatory privacy and security training. In addition, the provision requires that DHS ensure that airline passengers are able to initiate the redress process at airports with a significant TSA presence.

Section 1607. Strengthening Explosives Detection at Passenger Screening Checkpoints

Section 404 of the House bill directs TSA to issue, within 7 days, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), for the deployment of explosives detection equipment at airport checkpoints.

Section 1470 of the Senate bill directs DHS to issue, within 90 days after enactment, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), for the deployment of explosives detection equipment at airport checkpoints. It also requires TSA to begin full implementation of the strategic plan within 1 year of its submission.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It directs DHS, in consultation with TSA, to issue a strategic plan for the deployment of explosives detection equipment at airport checkpoints within 30 days of enactment, and requires the TSA to begin implementation of the plan within 1 year of its submission.

Section 1608. Research and Development of Aviation Transportation Security Technology

There is no comparable House provision.

Section 1467 of the Senate bill extends an authorization for research and development spending for aviation security technology at a level of \$50 million through Fiscal Year 2009.

The Conference substitute adopts the Senate provision, as modified to authorize research and development funding for aviation security technology at a level of \$50 million through Fiscal Year 2011.

Section 1609. Blast-Resistant Cargo Containers

There is no comparable House provision.

Section 1463 of the Senate bill requires TSA to develop a system by which the Administrator provides blast-resistant cargo containers to commercial passenger air carriers for use, on a random or risk-assessed basis, as determined by the agency. The cargo containers must be acquired by TSA within 90 days of the agency's completion of development of the system.

The Conference substitute adopts the Senate provision, as modified. It requires TSA to evaluate and distribute a report to Congress and the air carrier industry that includes the results of its blast resistant cargo container pilot program. After reporting, TSA must develop and implement a program consistent with the results of the evaluation to acquire the necessary blast resistant cargo containers and make them available to air carriers on a risk-assessed basis, as determined appropriate by the Administrator.

Section 1610. Protection of Passenger Planes from Explosives

There is no comparable House provision.

Section 1464 of the Senate bill directs DHS to expedite research and development pilot projects that advance technology to protect passenger planes from the threat of explosive devices. It also requires the establishment of a grant program to fund projects the agency develops through this process, with an authorization for such sums as necessary for Fiscal Year 2008.

The Conference substitute adopts the Senate provision, as modified. It requires DHS, in consultation with TSA, to develop pilot projects that advance technology for protecting passenger planes from the threat of explosive devices and to establish a grant program to fund projects developed under the program with an authorization for fiscal year 2008.

Section 1611. Specialized Training

There is no comparable House provision.

Section 1469 of the Senate bill requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification.

The Conference substitute adopts the Senate provision. It requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification, to enhance the effectiveness of layered transportation security measures.

Section 1612. Certain TSA Personnel Limitation not to Apply

There is no comparable House provision.

To ensure that the agency is properly staffed at a level necessary to screen travelers as air passenger traffic numbers continue to increase, Section 1468 of the Senate bill removes the arbitrary hiring cap on Transportation Security Officers of 45,000 full-time equivalent (FTE) employees that is currently imposed on the TSA's screener workforce.

The Conference substitute adopts the Senate provision. It removes the arbitrary screener cap of 45,000 full-time equivalent (FTE) employees that is currently imposed